

ASSEMBLY, No. 3446

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 8, 2022

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Makes pilot program for special occasion events at wineries on preserved farmland permanent program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning wineries on preserved farmland and amending
2 P.L.2014, c.16 and P.L.2018, c.30.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 2 of P.L.2014, c.16 (C.4:1C-32.8) is amended to
8 read as follows:

9 2. a. The State Agriculture Development Committee shall
10 establish a **【pilot】** program permitting special occasion events to be
11 conducted on preserved farmland at a winery provided that:

12 (1) the gross income generated by the winery from all special
13 occasion events conducted for the calendar year together account
14 for less than 50 percent of the annual gross income of the winery;

15 (2) the special occasion event uses the agricultural output of the
16 winery, to the maximum extent practicable, to promote agricultural
17 tourism and advance the agricultural or horticultural output of the
18 winery;

19 (3) the special occasion event is conducted on a Friday,
20 Saturday, Sunday, or federal or State holiday, except that a special
21 occasion event may be conducted on any other day of the week with
22 the approval of the State Agriculture Development Committee. The
23 committee may delegate its authority in that regard to a county
24 agriculture development board;

25 (4) the special occasion event is conducted in: (a) a temporary
26 structure, such as an enclosed or open canopy or tent or other
27 portable structure or facility, and any temporary structure would be
28 put in place for only the minimum amount of time reasonably
29 necessary to accommodate the special occasion event; (b) an
30 existing permanent agricultural building; (c) a farm or open air
31 pavilion; or (d) another structure used in the normal course of
32 winery operations and activities;

33 (5) the special occasion event complies with applicable
34 municipal ordinances, resolutions, or regulations concerning litter,
35 solid waste, and traffic and the protection of public health and
36 safety;

37 (6) the winery shall be subject to a site plan review and any
38 applicable development approvals as may be required under an
39 ordinance adopted pursuant to the "Municipal Land Use Law,"
40 P.L.1975, c.291 (C.40:55D-1 et seq.);

41 (7) the special occasion event is subject to the noise standards
42 set forth pursuant to the "Noise Control Act," P.L.1971, c.418
43 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

44 (8) the special occasion event complies with any applicable

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 municipal ordinance that restricts performing or playing music
2 inside the winery's buildings and structures;

3 (9) the special occasion event ends at a specific time, if required
4 pursuant to a curfew established by a municipal ordinance;

5 (10) the special occasion event would not knowingly result in a
6 significant and direct negative impact to any property adjacent to
7 the winery; and

8 (11) the winery hosting a special occasion event enforces State
9 and federal requirements concerning the legal drinking age.

10 b. In determining the annual gross income of a winery pursuant
11 to this section, the gross income received from any special occasion
12 event shall include, but need not be limited to, admission fees;
13 rental fees; setup, breakdown, and cleaning fees; and all other
14 revenue that is not directly related to the agricultural output of the
15 winery but is received by the winery in conjunction with conducting
16 a special occasion event.

17 (cf: P.L.2014, c.16, s.2)

18
19 2. Section 1 of P.L.2018, c.30 (C.4:1C-32.12) is amended to
20 read as follows:

21 1. Notwithstanding the provisions of section 6 of P.L.2014,
22 c.16 to the contrary, sections 1 through 5 of P.L.2014, c.16 (C.4:1C-
23 32.7 through C.4:1C-32.11) shall be and remain in effect **【for two**
24 **years】** following the effective date of **【this act】** P.L._____,
25 c. (pending before the Legislature as this bill) or May 30, 2020,
26 and , if appropriate, shall be retroactive to **【March 1, 2018】** May
27 30, 2020.

28 (cf: P.L.2018, c.30, s.1)

29
30 3. Section 2 of P.L.2018, c.30 (C.4:1C-32.13) is amended to read
31 as follows:

32 2. a. Each county agriculture development board shall
33 prepare and submit to the Governor and to the Legislature, pursuant
34 to section 2 of P.L.1991, c.164 (C.52:14-19.1), an annual report.
35 Each annual report shall include findings that summarize the
36 activities of wineries on preserved farmland in the county of the
37 board's jurisdiction and make recommendations for the **【pilot】**
38 program established pursuant to P.L.2014, c.16 (C.4:1C-
39 32.7 et seq.).

40 b. The State Agriculture Development Committee shall prepare
41 and submit to the Governor and to the Legislature, pursuant to
42 section 2 of P.L.1991, c.164 (C.52:14-19.1) **【:**

43 (1) an interim report, within 30 days after the effective date of
44 this act; and

45 (2) a final report, at least 45 days before the expiration of the
46 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7
47 et seq.) and extended pursuant to this act **【a biennial report.**

1 c. **【The interim and final reports】** Each biennial report required
2 pursuant to subsection b. of this section shall review the
3 implementation and operation of the **【pilot】** program established
4 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.), summarize the
5 findings and recommendations of the annual reports prepared
6 pursuant to subsection a. of this section, and make
7 recommendations to the Governor and Legislature to amend **【,**
8 **extend,】** **【or make permanent】** the program.
9 (cf: P.L.2018, c.30, s.2.)

10
11 4. Section 3 of P.L.2018, c.30 (C.4:1C-32.14) is amended to
12 read as follows:

13 3. a. Notwithstanding any other law, or rule or regulation
14 adopted pursuant thereto, to the contrary, the **【pilot】** program
15 established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.) and
16 extended pursuant to **【this act】** P.L.2018, c.30 (C.4:1C-32.12 et
17 seq.) and P.L. , c. (pending before the Legislature as this bill)
18 shall not apply to any special occasion event at a winery that is not
19 on preserved farmland.

20 b. The State Agriculture Development Committee shall not
21 have any authority to regulate or restrict any special occasion event
22 conducted at a winery beyond the scope of the authority granted
23 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.).
24 (cf: P.L.2018, c.30, s.3)

25
26 5. This act shall take effect immediately.
27
28

29 STATEMENT

30
31 This bill amends current law to make permanent the pilot
32 program allowing special occasion events to be conducted at
33 wineries on preserved farmland. The bill also revises the reporting
34 requirement under the law to require on-going biennial reports to
35 the Governor and the Legislature.

36 The pilot program was created by P.L.2014, c.16 (C.4:1C-32.7 et
37 seq.). It was established for 44 months and was scheduled to expire
38 on March 1, 2018. The original enactment did not contain reporting
39 requirements. The pilot program was extended for two additional
40 years by the enactment of P.L.2018, c.30. The 2018 law extending
41 the pilot program was effective on May 30, 2018 and was made
42 retroactive to March 1, 2018 to cover the gap period.

43 The 2018 enactment also required:

44 (1) County agricultural development boards (CADB) to submit
45 annual reports which include findings that summarize the activities
46 of wineries on preserved farmland in the county of the board's
47 jurisdiction and make recommendations for the pilot program; and

1 (2) The State Agricultural Development Committee (SADC) to
2 submit interim and final reports that review the implementation and
3 operation of the pilot program, summarize the findings and
4 recommendations of the annual reports prepared by the CADBs,
5 and make recommendations to the Governor and Legislature.
6 The bill continues the program beyond its May 30, 2020
7 expiration and makes the program permanent thereafter. Under the
8 provisions of the bill, the CADBs would continue to submit annual
9 reports and the SADC would be required to submit biennial reports.
10 The bill also will be retroactive to May 30, 2020.